

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

PHILLIP HERNANDEZ,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-22-591-G
)	
STEPHENS COUNTY et al.,)	
)	
Defendants.)	

ORDER

Plaintiff Phillip Hernandez, a state inmate appearing pro se, filed this federal civil rights action on July 14, 2022. In accordance with 28 U.S.C. § 636(b)(1), the matter was referred to Magistrate Judge Suzanne Mitchell for preliminary review.

On September 8, 2022, Judge Mitchell issued a Report and Recommendation (“R. & R.,” Doc. No. 22), recommending that the Complaint (Doc. No. 1) be dismissed without prejudice due to Plaintiff’s failure to state a claim upon which relief may be granted. *See id.* at 2-7 (citing 28 U.S.C. § 1915A(b)(1)). Judge Mitchell further recommended that Plaintiff be allowed the opportunity to amend his pleading and address the deficiencies outlined in the R. & R. *See id.* at 7.

Plaintiff timely filed an Objection to the R. & R. *See* Doc. No. 24. Pursuant to controlling authority, the Court reviews de novo the portions of the R. & R. to which specific objections have been made. *See United States v. 2121 E. 30th St.*, 73 F.3d 1057, 1060 (10th Cir. 1996); 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

Plaintiff's Objection provides some additional factual allegations but does not evince any error in Judge Mitchell's findings or conclusions. *See* Pl.'s Obj. at 1-2. Nor does the Objection offer any reason that Plaintiff could not present these factual allegations in the form required by local rule. *See* LCvR 9.2(a). Accordingly, Plaintiff's Objection is overruled.

CONCLUSION

For the foregoing reasons, the Report and Recommendation (Doc. No. 22) is ADOPTED in its entirety. The Complaint (Doc. No. 1) is DISMISSED without prejudice.

Plaintiff may, if he chooses, file an amended complaint within twenty-one (21) days of the date of this Order. The Court Clerk is directed to send Plaintiff the form complaint for a 42 U.S.C. § 1983 action along with a copy of this Order. If no such amended complaint is submitted, judgment shall be entered and this matter closed.

IT IS SO ORDERED this 11th day of April, 2024.



CHARLES B. GOODWIN
United States District Judge